

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Communication with the Examiner

§ 102 Rejections

Applicant respectfully submits that the above referenced rejections are rendered moot by the amendments presented herein.

1 **§ 103 Rejections**

2 The Office Action rejects claims 20 and 33-34 under 35 U.S.C. § 103(a), as
3 allegedly being unpatentable over U.S. Patent No. 5,495,302 to Abruna
4 (hereinafter, "Abruna").

5
6 Applicant respectfully submits that the above referenced rejections are
7 rendered moot by the amendments presented herein.

8
9 **§ 112 Rejections**

10
11 The Office Action rejects claims 1-14 and 30-34 under 35 U.S.C. § 112 first
12 paragraph as allegedly failing to comply with the enablement requirement.
13 Specifically, the Office alleges that the phrase "independent of the user physically
14 engaging the system" is not enabled.

15 Without conceding the propriety of the stated rejection, and only to expedite
16 prosecution of this application, Applicant has amended rejected base claims 1 and
17 8 so that the claims do not recite the rejected claim language. Further, claims 30-
18 34 are cancelled without prejudice. Accordingly, Applicant requests withdrawal of
19 the §112 claim rejections.

1 Conclusion

2 Applicant respectfully requests reconsideration and withdrawal of the
3 rejections of the pending claims. If personal discussion would advance
4 prosecution of this application, the Office is urged to contact the undersigned
5 attorney before issuing a subsequent Action.
6

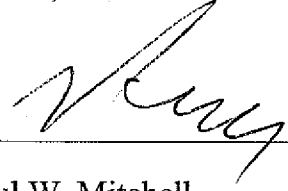
7
8
9
10 Respectfully Submitted,

11 Lee & Hayes, PLLC

12 421 W. Riverside Avenue, Suite 500

13 Spokane, WA 99201

14
15 Dated: 10/1/07

16 
Paul W. Mitchell

17 Reg. No. 44,453

18 (509) 324-9256 ext. 237
19
20
21
22
23
24
25